

REMARKS

Claims 1-14 are pending in the above-identified application. The specification was objected to as being informal and a substitute specification, without claims, was required. To meet this requirement, a substitute specification is enclosed. The headings used do not conform exactly to those suggested in the Office Action, it is noted, however, that the format is "preferred" and, so, allows minor variations in its implementation. The substitute specification is amended to include the required headings, no new matter has been added.

Claims 1-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ozawa et al. (hereinafter "Ozawa"), Daberko et al. (hereinafter "Daberko") or Lee et al. (hereinafter "Lee"). Claims 1-14 were also rejected under 35 U.S.C. § 102(b) as being anticipated by Norris et al. (hereinafter "Norris") or Goldberg et al. (hereinafter "Goldberg"). These grounds for rejection are overcome by the amendments to claim 1. In particular, none of the cited references discloses or suggests one or more of the following elements of amended claim 1:

a disk drive including a disk storage medium for storing audio information;

a solid state electronic memory for holding at least a portion of the audio information for use in active playback and recording; and

electronic circuitry operatively coupled to the disk drive and memory, the electronic circuitry being configured to selectively transfer audio information between the disk drive and the memory and then to place the disk drive in a locked state and being configured for playback of the audio information from the memory.

The amended claim 1 has the same scope as the previous claim, limitations in the claim were moved from the solid state electronic memory to the electronic circuitry in order to improve the readability of the claim.

Ozawa concerns a portable audio transmission recording and reproducing system that includes a disk drive (45 in Fig. 7 and 72 in Fig. 8) and an optional card 71. The card (71 in Fig. 7 and 74 in Fig. 8), however, is not a memory card. Instead, it is an auxiliary processor that may include an audio/video encoder/decoder, a fax transmission card, a wireless transmission card, a pager card, a navigation card, or a wire transmission card (see column 7, lines 22-23 and column 8, lines 45-60). Ozawa does not disclose or suggest the use of a solid state electronic memory which holds audio information or circuitry that is configured to transfer the audio information from the disk drive to the memory. Furthermore, Ozawa does not disclose or suggest circuitry configured to transfer data from the disk drive to a memory card or circuitry configured to lock the disk drive.

Daberko does not disclose or suggest the use of a disk drive to hold audio information. Daberko discloses only the use of a flash memory that is used to transfer data from an external source to the internal SRAM for playback. (see column 10, lines 38-52).

Lee also does not disclose or suggest the use of a disk drive. Indeed, Lee teaches away from the use of a disk drive. (See column 5, lines 53-59).

Similarly, Goldberg does not disclose or suggest the use of a disk drive and also teaches away from the use of such a device in a portable audio player. (See column 1, lines 12-16).

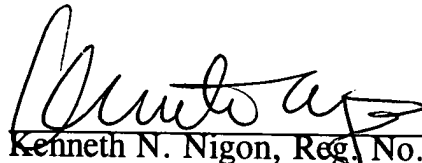
Norris does not disclose or suggest the use of a disk drive and also teaches away from including a disk drive in a portable audio player. (See column 1, lines 58-63).

Because none of these references (i.e. Daberko, Lee, Goldberg and Norris) discloses or suggests the use of a disk drive, they can not disclose or suggest circuitry configured to transfer data from the disk drive to a memory card or circuitry configured to lock the disk drive.

Accordingly, claim 1 is not subject to rejection under 35 U.S.C. §§ 102 (e) or 102(b) in view of Ozawa, Dabeko, Lee, Goldberg or Norris. Claims 2-14 depend from claim 1 and are not subject to rejection under 35 U.S.C. §§ 102(e) or 102(b) for at least the same reasons as claim 1.

In view of the foregoing amendments and remarks and the substitute specification submitted herewith, Applicant requests that the examiner reconsider and withdraw the objections to the specification and the rejection of claims 1-14.

Respectfully Submitted,



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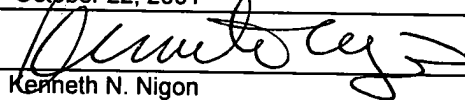
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

- 1 1. (Amended) A portable, hand-held audio playback unit,
2 comprising:
3 a disk drive including a disk storage medium for storing audio
4 information;
5 a solid state electronic memory for holding at least a portion of
6 the audio information for use in active playback and recording, ~~wherein audio~~
7 ~~information is transferred from the disk drive to the memory and then the~~
8 ~~disk drive is placed in a locked state; and~~
9 electronic circuitry operatively coupled to the disk drive and
10 memory, the electronic circuitry being configured to selectively transfer
11 audio information between the disk drive and the memory and then to place
12 the disk drive in a locked state and being configured for playback of the
13 audio information from the memory.